

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: June 19, 2008
Electronic Signature for Danielle Menzies: /Danielle Menzies/

Docket No.: 702_102
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Clark A. Bendall et al.

Application No.: 10/768,761

Confirmation No.: 7060

Filed: January 29, 2004

Art Unit: 3739

For: Remote video inspection system having
control and display unit with interchangeable
insertion elements

Examiner: P. R. Smith

APPEAL BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Brief supports the appeal to the Board of Patent Appeals and Interferences from the final rejection dated November 14, 2007 in the application listed above. Appellants filed the Notice of Appeal on March 19, 2008, and now submit this Brief pursuant to 35 U.S.C. § 134 and 37 C.F.R. §§ 1.191 and 41.31 et seq. A petition and fee for a one month extension of time is enclosed herewith.

TABLE OF CONTENTS

| | | |
|-------|--|----|
| I. | REAL PARTY IN INTEREST..... | 3 |
| II. | RELATED APPEALS AND INTERFERENCES..... | 4 |
| III. | STATUS OF CLAIMS..... | 5 |
| IV. | STATUS OF AMENDMENTS..... | 6 |
| V. | SUMMARY OF CLAIMED SUBJECT MATTER..... | 7 |
| VI. | GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL..... | 14 |
| VII. | ARGUMENT..... | 15 |
| A. | Claims 10, 12-14, 17, 19-21, 23-26, 28, 30, 33 and 34: Murata '762 In View of Chikama '041..... | 17 |
| 1. | Claims 10, 12-14, 17, 19-21, 23-26, 28, 30, 33 and 34: The Combination of Murata '762 and Chikama '041 Fails To Teach Or Suggest A Unitary Control and Display Handset Element. | 17 |
| 2. | Claims 10, 12-14, 17, 19-21, 23-26, 28, 30, 33 and 34: The Combination of Murata '762 and Chikama '041 Fails To Teach Or Suggest That a Plurality of Insertion Elements Can Be Connected to Said Unitary Control and Display Handset Element. | 20 |
| B. | Claim 11: Murata '762 in View of Pearlman '992..... | 21 |
| C. | Claims 18, 22, 29, 31 and 32: Murata '762 In View of Saito '922..... | 21 |
| D. | Claim 27: Murata '762..... | 22 |
| VIII. | CONCLUSION..... | 23 |
| | CLAIMS APPENDIX..... | 24 |
| | EVIDENCE APPENDIX..... | 28 |
| | RELATED PROCEEDINGS APPENDIX..... | 29 |

I. REAL PARTY IN INTEREST

The real party in interest is GE Inspection Technologies, LP, the Assignee of the subject invention.

II. RELATED APPEALS AND INTERFERENCES

Appellants are unaware of any other prior and pending appeals, interferences or judicial proceedings which may be related to, directly affect, or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. STATUS OF CLAIMS

Claims 10-14 and 17-34 are under final rejection.

Claims 1-9, 15, 16 and 35-40 stand withdrawn from consideration.

Claims 10, 12-14, 17, 19-21, 23-26, 28, 30, 33 and 34 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Publication No. 2001/0051762 to Murata ("Murata '762") in view of U.S. Patent No. 5,002,041 to Chikama ("Chikama '041").

Claim 11 stands rejected under U.S.C. § 103(a) as being unpatentable over Murata '762 in view of U.S. Patent No. 5,347,992 to Pearlman ("Pearlman '992").

Claims 18, 22, 29, 31 and 32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Murata '762 in view of U.S. Patent No. 6,184,922 to Saito ("Saito '922").

Claim 27 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Murata '762.

The decision of the Examiner finally rejecting claims 10-14 and 17-34 is hereby appealed.

III. STATUS OF AMENDMENTS

The claims have not been amended subsequent to final rejection. Following final rejection, the Appellants filed a Request For Reconsideration After Final Rejection with Examiner P.R. Smith on January 10, 2008. In response, in an Advisory Action Before the Filing of an Appeal Brief, Examiner Smith maintained his rejection of claims 10-14 and 17-34. Appellants subsequently submitted a Pre-Appeal Brief Request For Review which was deemed improper and a conference was never held.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Generally, the present invention relates to a remote video inspection system for inspecting internal cavities of living persons or interior portions of industrial equipment. The disclosed invention includes modular visual inspection systems, (e.g., borescope and endoscope systems) that can offer portability and convenience through the use of interchangeable probes and rapid set-up of the operational system for remote video inspection. (Specification, pp. 1-2, ¶¶ [0003-0005]) (all subsequent citations are to the original specification)

In particular, the modular visual inspection system is a readily transported and self-contained system having a removable module which can be easily carried to/from and within an inspection site. (p. 6, ¶ [0046]; p. 12, ¶ [0058]) The inspection system comprises a base module, a unitary control and display handset element, and a plurality of insertion elements for visualizing and imaging the interior of a structure. The base module includes a computation module (e.g., computer/CPU and associated components) and a light source module for illuminating a target of interest inside the inspected cavity by way of a cable and an insertion tube (Figs. 3 and 4). A power module may also be present comprising a battery for operating the remote video inspection system in the field. (p. 12, ¶ [0058])

Concise explanations of the subject matter defined in claims 10 through 14 and 17 through 34 are as follows (reference numbers correspond to Figs. 1-3 unless otherwise specified):

10. A modular visual inspection system 100 (p. 2, ¶ [0006]) for viewing the interior of a structure (p. 6, ¶ [0046]), comprising:

a base unit element 110 (pp. 9-15) comprising a memory element (p. 10, ¶ [0054]), a processor element (p. 12, ¶ [0058], lines 13-14), and a light source (p. 12, ¶ [0058], lines 13-14; p. 13, ¶¶ [0059-0060]);

a unitary control 250 (p. 15, ¶ [0065], p. 16 [0067]) and display handset 130 (pp. 15-16, ¶¶ [0065-0066]) comprising a screen element (pp. 15-16, ¶¶ [0065-0066]) for viewing the interior of the structure (p. 6, ¶ [0046]) and an articulation control element 252 (pp. 16-17, ¶ [0067]);

a plurality of insertion elements 260 (p. 23, ¶ [0078]; Fig. 4) for imaging the interior of the structure, each of said plurality of said insertion elements 260 comprising an imaging sensor 310 (p. 23, ¶ [0078]) and an elongated braided portion (p. 24, ¶ [0080], lines 6-11);

wherein said plurality of insertion elements 260 include at least two insertion elements (pp. 31-32, ¶ [0105]; Fig. 4) have different physical or optical characteristics (pp. 31-32, ¶ [0105]);

wherein the base unit element 110 is in electro-optical communication with the unitary control 250 and display handset element 130 (p. 12, ¶ [0057]);

wherein each one of said plurality of insertion elements 260 can be connected to said unitary control 250 and display handset element 130 (p. 23, ¶ [0078], lines 5-14); and

wherein each one of said plurality of insertion elements 260 can be used without modification of said unitary control 250 and display handset element 130 (p. 23, ¶ [0078]).

11. The modular visual inspection system 100 (p. 2, ¶ [0006]) of claim 10, wherein the base unit element 110 (pp. 9-15) further comprises a fluid reservoir (p. 15, ¶ [0065]; p. 24, ¶ [0080]).

12. The modular visual inspection system 100 (p. 2, ¶ [0006]) of claim 10, wherein the base unit element 110 (pp. 9-15) further comprises a keyboard 112 (p. 9, ¶ [0053]).

13. The modular visual inspection system 100 (p. 2, ¶ [0006]) of claim 10, wherein the base unit element 110 (pp. 9-15) has defined on a side thereof (p. 10, ¶ [0054], line 1) at least one aperture (p. 10, ¶ [0054], lines 1-4) for use with storage media (p. 10, ¶ [0054]).

14. The modular visual inspection system 100 (p. 2, ¶ [0006]) of claim 13, wherein the at least one aperture (p. 10, ¶ [0054], lines 1-4) is sized to allow insertion of a storage media (p. 10, ¶ [0054]) selected from the group consisting of: optical storage media (p. 10, ¶ [0054], lines 2 and 6-7), magnetic storage media (p. 10, ¶ [0054], lines 2 and 8), and electronic storage media (p. 10, ¶ [0054], lines 2 and 9-16).

17. The modular visual inspection system 100 (p. 2, ¶ [0006]) of claim 14, wherein the electronic storage media (p. 10, ¶ [0054], lines 2 and 9-16) comprise PC cards (p. 10, ¶ [0054], lines 3 and 12), PCMCIA cards (p. 10, ¶ [0054], lines 3 and 12), Compact Flash cards (p. 10, ¶ [0054], line 11-12), SD

memory (p. 10, ¶ [0054], lines 9 and 12), and SDIO memory (p. 10, ¶ [0054], lines 9 and 12).

18. The modular visual inspection system 100 (p. 2, ¶ [0006]) of claim 10, wherein the processor element (p. 12, ¶ [0058], lines 13-14) of the base unit element 110 (pp. 9-15) is capable of video compression (p. 10, ¶ [0055], lines 1-3).

19. The modular visual inspection system 100 (p. 2, ¶ [0006]) of claim 10, wherein the base unit element 110 (pp. 9-15) further comprises at least one connectivity element (p. 11, ¶ [0055], lines 2-8).

20. The modular visual inspection system 100 (p. 2, ¶ [0006]) of claim 19, wherein the at least one connectivity element (p. 11, ¶ [0055], lines 2-8) is selected from the group of connectivity elements consisting of: serial ports (p. 11, ¶ [0055], line 2), USB ports (p. 11, ¶ [0055], lines 2-3), Firewire® (IEEE 1394) ports (p. 11, ¶ [0055], line 3), and infrared communication ports (p. 11, ¶ [0055], lines 6-8).

21. The modular visual inspection system 100 (p. 2, ¶ [0006]) of claim 10, wherein the light source (p. 13, ¶ [0059]) is modular (p. 13, ¶ [0059], lines 1-2).

22. The modular visual inspection system 100 (p. 2, ¶ [0006]) of claim 21, wherein the modular light source (p. 13, ¶ [0059]) is selected from the group of light sources consisting of LEDs (p. 13, ¶ [0059], lines 4 and 7), arc discharge lamps (p. 13, ¶ [0059], lines 4-5 and 7), lasers (p. 13, ¶ [0059], lines 5 and 8), UV lamps (p. 13, ¶ [0059], lines 6-8), and IR lamps (p. 13, ¶ [0059], lines 6-8).

23. The modular visual inspection system 100 (p. 2, ¶ [0006]) of claim 10, further comprising a storage reel (p. 14, ¶ [0063]; p. 25, ¶ [0082]) for storing said plurality of insertion elements 260 (p. 25, ¶ [0082], lines 1-3).

24. The modular visual inspection system 100 (p. 2, ¶ [0006]) of claim 10, further comprising a container element 102 (p. 7-8, ¶¶ [0048-0050]) sized such that the base unit element 110 (pp. 9-15) fits within the container element 102 (p. 8, ¶ [0050], lines 14-15; p. 14, ¶ [0062], line 1).

25. The modular visual inspection system 100 (p. 2, ¶ [0006]) of claim 24, wherein the container element 102 (p. 7-8, ¶¶ [0048-0050]) is weatherproof (pp. 7-8, ¶ [0049]).

26. The modular visual inspection system 100 (p. 2, ¶ [0006]) of claim 10, wherein the unitary control 250 (p. 15, ¶ [0065], p. 16 [0067]) and display handset element 130 (pp. 15-16, ¶¶ [0065-0066]) comprises a LCD (p. 15, ¶ [0066], lines 1-7) configured to show images in a 16:9 format (p. 15, ¶ [0066], lines 1-3).

27. The modular visual inspection system 100 (p. 2, ¶ [0006]) of claim 10, wherein the unitary control 250 (p. 15, ¶ [0065], p. 16 [0067]) and display handset element 130 (pp. 15-16, ¶¶ [0065-0066]) comprises an anti-glare element (p. 16, ¶ [0066], lines 8-13).

28. The modular visual inspection system 100 (p. 2, ¶ [0006]) of claim 10, wherein the unitary control 250 (p. 15, ¶ [0065], p. 16 [0067]) and display handset element 130 (pp. 15-16, ¶¶ [0065-0066]) comprises a joystick 252 (pp. 16-17, ¶ [0067]).

29. The modular visual inspection system 100 (p. 2, ¶ [0006]) of claim 28, wherein the unitary control 250 (p. 15, ¶ [0065], p. 16 [0067]) and display handset element 130 (pp. 15-16, ¶¶ [0065-0066]) further comprises a switch to freeze an image (p. 17, ¶ [0067], lines 22-23) displayed by said unitary control 250 (p. 15, ¶ [0065], p. 16 [0067]) and display handset element 130 (pp. 15-16, ¶¶ [0065-0066]).

30. The modular visual inspection system 100 (p. 2, ¶ [0006]) of claim 10, wherein the unitary control 250 (p. 15, ¶ [0065], p. 16 [0067]) and display handset element 130 (pp. 15-16, ¶¶ [0065-0066]) comprises at least one servo motor (p. 17, ¶ [0067], lines 1-2).

31. The modular visual inspection system 100 (p. 2, ¶ [0006]) of claim 10, wherein the image sensor 310 (p. 23, ¶ [0078]) of each of said plurality of insertion elements 260 (p. 23, ¶ [0078]; Fig. 4) gathers sufficient data to create a video signal (pp. 21-23, ¶ [0077]) selected from the group of video signals (p. 21, ¶ [0077], lines 4-10) consisting of: PAL (p. 21, ¶ [0077], lines 8-9), NTSC (p. 21, ¶ [0077], lines 9-10), and progressive scan (p. 19, ¶ [0073], lines 8-10).

32. The modular visual inspection system 100 (p. 2, ¶ [0006]) of claim 31, wherein the video signal (pp. 21-23, ¶ [0077]) is selected by a user (p. 19, ¶ [0073], lines 8-11) of the modular visual inspection system 100.

33. The modular visual inspection system 100 (p. 2, ¶ [0006]) of claim 10, wherein the memory element (p. 10, ¶ [0054]) of the base unit element 110 is capable of storing data representing images (p. 10, ¶ [0054]).

34. The modular visual inspection system 100 (p. 2, ¶ [0006]) of claim 10, wherein the memory element (p. 10, ¶ [0054]) of the base unit element 110 includes a computer program (p. 26, ¶ [0085], lines 1-2) for generating reports (pp. 26-27, ¶ [0085]) based on data obtained by the imaging sensor (p. 26, ¶ [0085], lines 1-3) of each of said plurality of insertion elements (p. 23, ¶ [0078]; Fig. 4).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The grounds of rejection presented for consideration in this Appeal are:

- A. Whether Claims 10, 12-14, 17, 19-21, 23-26, 28, 30, 33 and 34 are properly rejected under 35 U.S.C. § 103(a) as being obvious over Murata '762 in view of Chikama '041.
- B. Whether Claim 11 is properly rejected under U.S.C. § 103(a) as being unpatentable over Murata '762 in view of Pearlman '992.
- C. Whether Claims 18, 22, 29, 31 and 32 are properly rejected under 35 U.S.C. § 103(a) as being unpatentable over Murata '762 in view of Saito '922.
- D. Whether Claim 27 is properly rejected under 35 U.S.C. § 103(a) as being unpatentable over Murata '762.

VII. ARGUMENT

Each of the prior art rejections presently made against the claims by the Examiner is based upon § 103(a) for obviousness. The Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. MPEP § 2142. Under § 103, the scope and content of the prior art are to be determined, differences between the prior art and the claims at issue are to be ascertained, and the level of ordinary skill in the pertinent art resolved. Against this background, the obviousness or nonobviousness of the subject matter is determined. Such secondary considerations as commercial success, long felt but unsolved needs, failure of others, etc., might be utilized to give light to the circumstances surrounding the origin of the subject matter sought to be patented. *KSR Int'l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 1733 (2007) (quoting *In re Graham v. John Deere Co. of Kansas City*, 86 S. Ct. 684 (1966)).

Accordingly, an essential step in determining whether an invention is obvious is consideration of the elements being claimed. In light of the guidance recently provided by the Supreme Court in *KSR Int'l Co. v. Teleflex, Inc.* and according to MPEP § 2143, in order to establish a *prima facie* case of obviousness three basic criteria must be met. First, there must be some reason to combine, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest **all** of the claim limitations. *Velander v. Garner*, 348 F.3d 1359, 1363 (Fed. Cir. 2003). The reason to combine and the

reasonable expectation of success must both be found in the prior art, not in Appellant's disclosure.

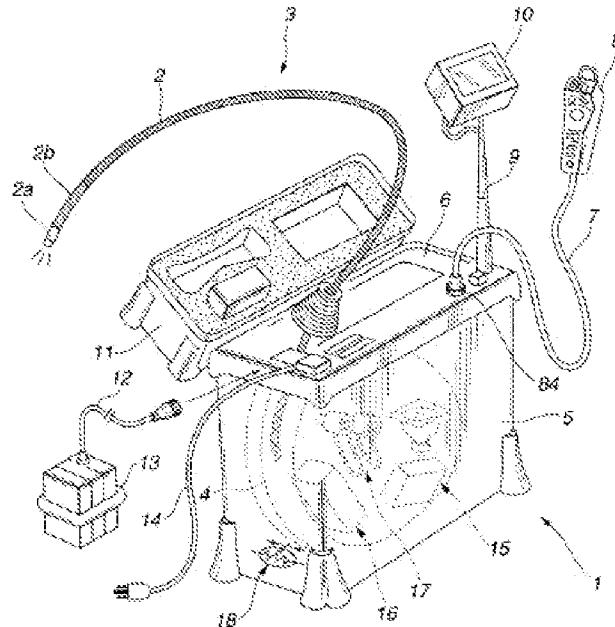
In the November 14, 2007 Final Office Action and in the February 19, 2008 Advisory Action, the Examiner relies upon Murata '762 in combination with various other references in rejecting all of the pending claims under 35 U.S.C. § 103(a), including Claim 10, the sole pending independent claim. Appellants respectfully disagree with the Examiner's reliance on Murata '762 as disclosing a unitary control and display handset element in its disclosure of a "remote control unit 8" and 'display device 10" as being "part of a unitary element, i.e., 'endoscope system 1.'" Appellants also respectfully disagree with the Examiner's reliance on Murata '762 as disclosing that a plurality of insertion elements can be connected to said unitary control and display handset element. Because of the Examiner's omission of essential elements needed for a *prima facie* obviousness rejection under 35 U.S.C. § 103(a), Appellants submit this Appeal Brief.

A. **Claims 10, 12-14, 17, 19-21, 23-26,
28, 30, 33 and 34: Murata '762 In View of Chikama '041**

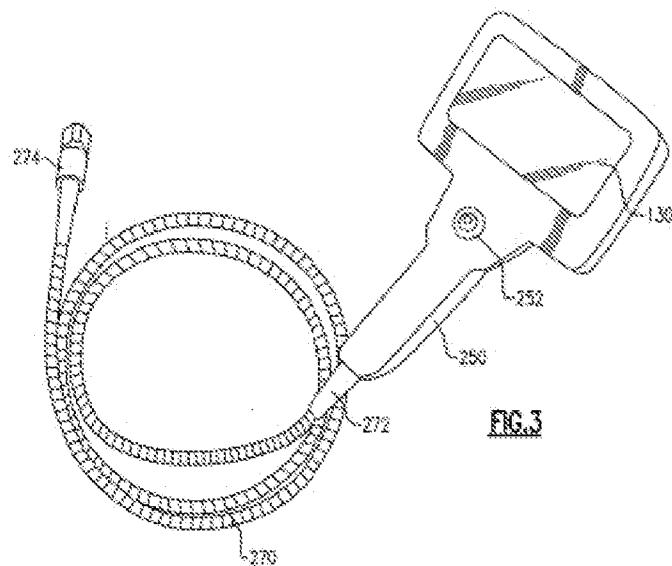
1. **Claims 10, 12-14, 17, 19-21, 23-26, 28, 30,
33 and 34: The Combination of Murata '762
and Chikama '041 Fails To Teach Or Suggest
A Unitary Control and Display Handset Element.**

As previously explained in Appellants' May 8, 2007 Amendment and Response and in Appellants' Requests for Reconsideration (September 25, 2007 and January 10, 2008), Murata '762 discloses an "endoscope system 1 for industrial use . . . consist[ing] mainly of an endoscope 3 for industrial use, a cylindrical drum 4, a box-like main unit 5, a front panel 6, a remote control unit 8, a display device 10, a stowage lid 11, and a battery 13." (Murata '762 at paragraph [0045] and Figs. 1, 6, 9, 12) As is clearly shown below in Figure 1 and in each of the embodiments disclosed in Murata '762, the remote control unit 8 and display device 10 are ***separate*** and not part of a unitary element, with the display device 10 being fixed to the box-like main unit 5 by a monopode or column 9 that is not part of a handset. (Murata '762 at paragraph [0045] and Figs. 1, 6, 9, 12) Also clearly shown is that the endoscope 3 is connected to the box-like main unit 5, and not connected to the control unit 8 and/or display device 10.

FIG.1



Appellants therefore respectfully disagree with the Examiner's statement that Murata '762 discloses "a unitary control and display handset element." (November 14, 2007 Office Action at [04a]) Unlike the Murata '762 disclosure of separate control 8 and display 10 units, Appellants' pending claims are distinguishable in that they are directed to a modular visual inspection system having a ***unitary*** control and display ***handset*** element. (e.g., Specification at paragraph [0057] ("unitary display module 130/manually operated control module 250") and Figure 3, shown below)



This is an important feature of and distinction for the present invention as it provides enhanced portability and allows an inspector conducting a field inspection to both operate the visual inspection system and view the resulting images using a single, portable, handheld element.

Appellants also respectfully disagree with Examiner's position in the February 19, 2008 Advisory Action that since the disclosed "remote control unit 8' and 'display device 10'" are both part of the overall "endoscope system 1", they are part of a "unitary element." Such a claim interpretation would render meaningless and superfluous the "unitary" limitation, which appears only in the "control and display handset element" of Claim 10. If the Examiner's interpretation were adopted, all of the listed claim elements would also be "unitary" (even though they do not include the limitation) in that they are also part of the overall "endoscope system 1." Such a claim interpretation that would effectively read out the "unitary" limitation has been rejected by the Federal

Circuit. See, e.g., *Ethicon Endo-Surgery, Inc. v. U.S. Surgical Corp.*, 93 F.3d 1572, 1578 (Fed. Cir. 1996) (rejecting proposed construction that would render “the ‘connected to’ limitation meaninglessly empty.”).

For all of these reasons, Appellants respectfully request that the Examiner’s rejection of Claim 10 be withdrawn. Furthermore, since “[d]ependent claims are nonobvious under section 103 if the independent claims from which they depend are nonobvious,” *In re Fine*, 837 F.2d 1071, 1076 (Fed. Cir. 1988), Appellants request that the Examiner’s rejection to dependent Claims 12-14, 17, 19-21, 23-26, 28, 30, 33 and 34, all of which depend from independent Claim 10, also be withdrawn.

Appellants therefore request withdrawal of the rejections of claims 10, 12-14, 17, 19-21, 23-26, 28, 30, 33 and 34, and allowance of the application.

2. Claims 10, 12-14, 17, 19-21, 23-26, 28, 30, 33 and 34: The Combination of Murata '762 and Chikama '041 Fails To Teach Or Suggest That a Plurality of Insertion Elements Can Be Connected to Said Unitary Control and Display Handset Element.

As previously explained in Appellants’ earlier responses, the single endoscope 3 of Murata '762 directly interfaces with the light source unit 15, camera control unit (CCU) 16, and motor-driven angling unit 17 (Murata '762 at paragraph [0046] and Figs. 2, 5, 7, 8, 10, 11, 13), all of which are located within the box-like main unit 5 (Murata '762 at Figs. 1, 6, 9, 12). As is clearly shown in each of the embodiments disclosed in Murata '762, there is but a ***single*** endoscope 3 that is connected to the ***box-like main unit*** 5. The endoscope is ***not*** connected to the control and/or display element. Unlike the Murata '762

disclosure, Appellants' pending claims are distinguishable in that they are directed to a modular visual inspection system having a **plurality** of insertion elements connected to the unitary control and display **handset** element (and not the box-like main unit), which provides the user with greater flexibility in customizing the system and selecting an appropriate insertion element when conducting an inspection. (e.g., Specification at paragraph [0078])

For all of these reasons, Appellants respectfully request that the Examiner's rejection of Claim 10 be withdrawn. Furthermore, since "[d]ependent claims are nonobvious under section 103 if the independent claims from which they depend are nonobvious," *In re Fine*, 837 F.2d 1071, 1076 (Fed. Cir. 1988), Appellants request that the Examiner's rejection to dependent Claims 12-14, 17, 19-21, 23-26, 28, 30, 33 and 34, all of which depend from independent Claim 10, also be withdrawn.

Appellants therefore request withdrawal of the rejections of claims 10, 12-14, 17, 19-21, 23-26, 28, 30, 33 and 34, and allowance of the application.

B. Claim 11: Murata '762 in View of Pearlman '992

For the same reasons given in Section A traversing the rejection of independent Claim 10, Appellants request withdrawal of the rejection of Claim 11, which depends from Claim 10, and allowance of the application since "[d]ependent claims are nonobvious under section 103 if the independent claims from which they depend are nonobvious," *In re Fine*, 837 F.2d 1071, 1076 (Fed. Cir. 1988).

C. Claims 18, 22, 29, 31 and 32: Murata '762 In View of Saito '922

For the same reasons given in Section A traversing the rejection of independent Claim 10, Appellants request withdrawal of the rejections of Claims 18, 22, 29, 31 and 32, all of which depend from Claim 10, and allowance of the application since “[d]ependent claims are nonobvious under section 103 if the independent claims from which they depend are nonobvious,” *In re Fine*, 837 F.2d 1071, 1076 (Fed. Cir. 1988).

D. Claim 27: Murata '762

For the same reasons given in Section A traversing the rejection of independent Claim 10, Appellants request withdrawal of the rejection of Claim 27, which depends from Claim 10, and allowance of the application since “[d]ependent claims are nonobvious under section 103 if the independent claims from which they depend are nonobvious,” *In re Fine*, 837 F.2d 1071, 1076 (Fed. Cir. 1988).

VIII. CONCLUSION

Therefore, because Murata '762 fails to disclose both (i) a unitary control and display handset element, and (ii) a plurality of insertion elements that can be connected to said unitary control and display handset element, the Examiner has omitted several essential elements needed for a *prima facie* obviousness rejection of Claim 10, the sole remaining independent claim, under 35 U.S.C. § 103(a). Claims 11-14 and 17-34 all depend on Claim 10. Therefore the Examiner has also omitted several essential elements needed for a *prima facie* obviousness rejection of Claims 11-14 and 17-34. Because of the Examiner's omission of essential elements needed for a *prima facie* obviousness rejection under 35 U.S.C. § 103(a), Appellants respectfully request withdrawal of the Examiner's claim rejections and allowance of the application.

Appellants believe a fee is due with this response. Please charge our Deposit Account No. 50-0289, under Order No. 702_102 from which the undersigned is authorized to draw.

Dated: June 19, 2008

Respectfully submitted,

Electronic signature: /Denis J. Sullivan/
Denis J. Sullivan
Registration No.: 47,980
MARJAMA MULDOON
BLASIAK & SULLIVAN LLP
250 South Clinton Street
Suite 300
Syracuse, New York 13202
(315) 425-9000
Customer No.: 20874

CLAIMS APPENDIX

10. (Previously Amended) A modular visual inspection system for viewing the interior of a structure, comprising:
 - a base unit element comprising a memory element, a processor element, and a light source;
 - a unitary control and display handset element comprising a screen element for viewing the interior of the structure and an articulation control element;
 - a plurality of insertion elements for imaging the interior of the structure, each of said plurality of said insertion elements comprising an imaging sensor and an elongated braided portion,
 - wherein said plurality of insertion elements include at least two insertion elements have different physical or optical characteristics,
 - wherein the base unit element is in electro-optical communication with the unitary control and display handset_element,
 - wherein each one of said plurality of insertion elements can be connected to said unitary control and display handset element, and
 - wherein each one of said plurality of insertion elements can be used without modification of said unitary control and display handset element.
11. (Original) The modular visual inspection system of claim 10, wherein the base unit element further comprises a fluid reservoir.
12. (Original) The modular visual inspection system of claim 10,

wherein the base unit element further comprises a keyboard.

13. (Original) The modular visual inspection system of claim 10,
wherein the base unit element has defined on a side thereof at least one aperture
for use with storage media.

14. (Original) The modular visual inspection system of claim 13,
wherein the at least one aperture is sized to allow insertion of a storage media
selected from the group consisting of: optical storage media, magnetic storage
media, and electronic storage media.

17. (Original) The modular visual inspection system of claim 14,
wherein the electronic storage media comprise PC cards, PCMCIA cards,
Compact Flash cards, SD memory, and SDIO memory.

18. (Original) The modular visual inspection system of claim 10,
wherein the processor element of the base unit element is capable of video
compression.

19. (Previously Amended) The modular visual inspection system of
claim 10, wherein the base unit element further comprises at least one
connectivity element.

20. (Original) The modular visual inspection system of claim 19,
wherein the at least one connectivity element is selected from the group of
connectivity elements consisting of: serial ports, USB ports, Firewire® (IEEE
1394) ports, and infrared communication ports.

21. (Original) The modular visual inspection system of claim 10,
wherein the light source is modular.

22. (Original) The modular visual inspection system of claim 21, wherein the modular light source is selected from the group of light sources consisting of: LEDs, arc discharge lamps, lasers, UV lamps, and IR lamps.

23. (Original) The modular visual inspection system of claim 10, further comprising a storage reel for storing said plurality of insertion elements.

24. (Original) The modular visual inspection system of claim 10, further comprising a container element sized such that the base unit element fits within the container element.

25. (Original) The modular visual inspection system of claim 24, wherein the container element is weatherproof.

26. (Previously Amended) The modular visual inspection system of claim 10, wherein the unitary control and display handset element comprises a LCD configured to show images in a 16:9 format.

27. (Previously Amended) The modular visual inspection system of claim 10, wherein the unitary control and display handset element comprises an anti-glare element.

28. (Previously Amended) The modular visual inspection system of claim 10, wherein the unitary control and display handset element comprises a joystick.

29. (Previously Amended) The modular visual inspection system of claim 28, wherein the unitary control and display handset element further comprises a switch to freeze an image displayed by said unitary control and display handset element.

30. (Previously Amended) The modular visual inspection system of claim 10, wherein the unitary control and display handset element comprises at least one servo motor.

31. (Original) The modular visual inspection system of claim 10, wherein the image sensor of each of said plurality of insertion elements gathers sufficient data to create a video signal selected from the group of video signals consisting of: PAL, NTSC, and progressive scan.

32. (Original) The modular visual inspection system of claim 31, wherein the video signal is selected by a user of the modular visual inspection system.

33. (Original) The modular visual inspection system of claim 10, wherein the memory element of the base unit element is capable of storing data representing images.

34. (Original) The modular visual inspection system of claim 10, wherein the memory element of the base unit element includes a computer program for generating reports based on data obtained by the imaging sensor of each of said plurality of insertion elements.

EVIDENCE APPENDIX

None.

RELATED PROCEEDINGS APPENDIX

None.